

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0612.01 Michael Dohr x4347

HOUSE BILL 19-1092

HOUSE SPONSORSHIP

Valdez A., Caraveo, Duran, Galindo, Mullica, Singer, Sullivan

SENATE SPONSORSHIP

Ginal,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION ON FUTURE OWNERSHIP OF AN ANIMAL**
102 **FOR PERSONS CONVICTED OF ANIMAL CRUELTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a court to enter an order prohibiting a person convicted of misdemeanor animal cruelty from owning an animal of any kind for 5 years, a person convicted of felony animal cruelty from owning an animal of any kind for 10 years, and a juvenile adjudicated a delinquent for an animal cruelty crime from owning an animal of any kind for 5 years.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-202, **amend**
3 (2)(a.5)(II), (2)(a.5)(III), and (2)(a.5)(IV); and **add** (2)(a.5)(V.5) as
4 follows:

5 **18-9-202. Cruelty to animals - aggravated cruelty to animals**
6 **- service animals.** (2) (a.5) (II) In addition to any other sentence imposed
7 for a violation of this section, the court may order an offender to complete
8 an anger management treatment program, A MENTAL HEALTH TREATMENT
9 PROGRAM, or any other appropriate treatment program DESIGNED TO
10 ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

11 (III) The court shall order an evaluation to be conducted prior to
12 sentencing to assist the court in determining an appropriate sentence. IF
13 THE VIOLATION IS A FELONY OFFENSE IN VIOLATION OF SUBSECTION (1.5)
14 OF THIS SECTION, A FELONY OFFENSE IN VIOLATION OF SUBSECTION
15 (2)(b)(II) OF THIS SECTION, OR ANY OTHER VIOLATION OF THIS SECTION
16 DEMONSTRATING KNOWING TORTURE OR TORMENT OF AN ANIMAL THAT
17 NEEDLESSLY INJURED, MUTILATED, OR KILLED THE ANIMAL, THE COURT
18 SHALL REQUIRE A COMPREHENSIVE EVALUATION TO HELP DETERMINE THE
19 CAUSATIVE FACTORS. The person ordered to undergo an evaluation shall
20 be required to pay the cost of the evaluation, unless the person qualifies
21 for a public defender, then the cost will be paid by the judicial district. If
22 the evaluation results in a recommendation of treatment and if the court
23 so finds, the person ~~shall~~ MUST be ordered to complete, AS A CONDITION
24 OF ANY SENTENCE TO PROBATION OR A DEFERRED JUDGMENT OR
25 SENTENCE, an anger management treatment program, A MENTAL HEALTH
26 TREATMENT PROGRAM, or any other APPROPRIATE treatment program ~~that~~

1 ~~the court may deem appropriate~~ DESIGNED TO ADDRESS THE UNDERLYING
2 CAUSATIVE FACTORS FOR THE VIOLATION.

3 (IV) Upon successful completion of an anger management
4 treatment program, A MENTAL HEALTH TREATMENT PROGRAM, or any
5 other APPROPRIATE treatment program, ~~deemed appropriate by the court,~~
6 the court may suspend any fine imposed; except for a five-hundred-dollar
7 mandatory minimum fine which shall be imposed at the time of
8 sentencing.

9 (V.5) IN ADDITION TO ANY OTHER SENTENCE IMPOSED FOR A
10 FELONY CONVICTION PURSUANT TO THIS SECTION, THE COURT SHALL
11 ENTER AN ORDER PROHIBITING THE DEFENDANT FROM OWNING,
12 POSSESSING, OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION
13 35-80-102 (10) AS A CONDITION OF THE SENTENCE FOR A PERIOD OF THREE
14 TO FIVE YEARS, UNLESS THE DEFENDANT'S TREATMENT PROVIDER MAKES
15 A SPECIFIC RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT
16 AGREES WITH THE RECOMMENDATION.

17 **SECTION 2.** In Colorado Revised Statutes, 19-2-918.5, **amend**
18 (1), (2), and (3); and **add** (3.5) as follows:

19 **19-2-918.5. Sentencing - animal cruelty - anger management**
20 **treatment.** (1) In addition to any sentence imposed pursuant to this
21 section, any juvenile who has been adjudicated a juvenile delinquent for
22 the commission of cruelty to animals, as described in section 18-9-202,
23 ~~(1)(a), C.R.S.,~~ in which the ~~underlining~~ UNDERLYING factual basis of
24 which has been found by the court to include the knowing ~~or intentional~~
25 torture or torment of an animal ~~which~~ THAT needlessly ~~injures, mutilates,~~
26 ~~or kills~~ INJURED, MUTILATED, OR KILLED an animal, may be ordered to
27 complete an anger management treatment program, A MENTAL HEALTH

1 TREATMENT PROGRAM, or any other APPROPRIATE treatment program
2 ~~deemed appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING
3 CAUSATIVE FACTORS FOR THE VIOLATION.

4 (2) The court may order an evaluation to be conducted prior to
5 disposition if an evaluation would assist the court in determining an
6 appropriate disposition. The parents or legal guardian of the juvenile
7 ordered to undergo an evaluation shall be required to pay the cost of the
8 evaluation. If the evaluation results in a recommendation of treatment and
9 if the court so finds, the juvenile ~~shall~~ MUST be ordered to complete an
10 anger management treatment program, A MENTAL HEALTH TREATMENT
11 PROGRAM, or any other APPROPRIATE treatment program ~~deemed~~
12 ~~appropriate by the court~~ DESIGNED TO ADDRESS THE UNDERLYING
13 CAUSATIVE FACTORS FOR THE VIOLATION.

14 (3) The disposition for any juvenile who has been adjudicated a
15 juvenile delinquent a second or subsequent time, the underlying factual
16 basis of which has been found by the court to include an act of cruelty to
17 animals, as described in section 18-9-202, ~~(1)(a), C.R.S., shall~~ MUST
18 include the completion of an anger management treatment program, A
19 MENTAL HEALTH TREATMENT PROGRAM, or any other APPROPRIATE
20 treatment program ~~deemed appropriate by the court~~ DESIGNED TO
21 ADDRESS THE UNDERLYING CAUSATIVE FACTORS FOR THE VIOLATION.

22 (3.5) IN ADDITION TO ANY SENTENCE IMPOSED PURSUANT TO THIS
23 SECTION FOR ANY JUVENILE WHO HAS BEEN ADJUDICATED A JUVENILE
24 DELINQUENT FOR THE COMMISSION OF CRUELTY TO ANIMALS, AS
25 DESCRIBED IN SECTION 18-9-202, THE COURT MAY ENTER AN ORDER
26 PROHIBITING THE JUVENILE OR OTHER PARTY FROM OWNING, POSSESSING,
27 OR CARING FOR A PET ANIMAL AS DEFINED IN SECTION 35-80-102 (10),

1 UNLESS THE DEFENDANT'S TREATMENT PROVIDER MAKES A SPECIFIC
2 RECOMMENDATION NOT TO IMPOSE THE BAN AND THE COURT AGREES WITH
3 THE RECOMMENDATION.

4 **SECTION 3. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 2, 2019, if adjournment sine die is on May 3,
8 2019); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2020 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

14 (2) This act applies to offenses committed on or after the
15 applicable effective date of this act.